

Exhibit “A”



GENERAL LIABILITY NOTICE OF OCCURRENCE / CLAIM

DATE (MM/DD/YYYY)
01/20/2017

AGENCY FRANK P. CROSSIN AGENCY INC. 575 PIERCE ST. RIVERSIDE COMMONS KINGSTON, PA 18704	PHONE (A/C, No, Ext): 570-822-5111	NOTICE OF OCCURRENCE <input checked="" type="checkbox"/> X NOTICE OF CLAIM	DATE OF OCCURRENCE AND TIME EFFECTIVE DATE: 01/01/2017 EXPIRATION DATE: 01/01/2018	AM PM 4/21/17	DATE OF CLAIM	PREVIOUSLY REPORTED YES <input checked="" type="checkbox"/> X NO
FAX (A/C, No): E-MAIL ADDRESS: CODE: AGENCY CUSTOMER ID:	SUB CODE:	COMPANY QBE SPECIALTY INSURANCE CO	NAIC CODE:	POLICY TYPE <input type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> CLAIMS MADE	RETROACTIVE DATE	
POLICY NUMBER QPO01120-00			REFERENCE NUMBER			

INSURED NAME AND ADDRESS KINGSTON BOROUGH 500 WYOMING AVE. KINGSTON, PA 18704		CONTACT NAME AND ADDRESS SONDRA-BOROUGH SEC. 570-288-4576 X111		CONTACT INSURED
SOC SEC # OR FEIN:		WHERE TO CONTACT		
RESIDENCE PHONE (A/C, No)	BUSINESS PHONE (A/C, No, Ext)	RESIDENCE PHONE (A/C, No)	BUSINESS PHONE (A/C, No, Ext)	WHEN TO CONTACT
CELL PHONE (A/C, No)	E-MAIL ADDRESS	CELL PHONE (A/C, No)	E-MAIL ADDRESS	

OCCURRENCE LOCATION OF OCCURRENCE (include city & state) DESCRIPTION OF OCCURRENCE (Use separate sheet, if necessary) SEE ATTACHED SUIT PAPERS.		AUTHORITY CONTACTED
--	--	---------------------

POLICY INFORMATION COVERAGE PART OR FORMS (insert form #s and edition dates)							
GENERAL AGGREGATE 1,000,000	PROD/COMP OP AGG	PERS & ADV INJ	EACH OCCURRENCE 1,000,000	FIRE DAMAGE	MEDICAL EXPENSE	DEDUCTIBLE 50,000	PD BI SIR/DED
UMBRELLA/EXCESS	UMBRELLA	EXCESS	CARRIER:	LIMITS:	AGGR	PER CLAIM/OCC	

TYPE OF LIABILITY PREMISES: INSURED IS <input type="checkbox"/> OWNER <input type="checkbox"/> TENANT <input type="checkbox"/> OTHER:				TYPE OF PREMISES
OWNER'S NAME & ADDRESS (If not insured) KINGSTON BOROUGH				OWNER'S PHONE (A/C, No, Ext)
PRODUCTS: INSURED IS <input type="checkbox"/> MANUFACTURER <input type="checkbox"/> VENDOR <input type="checkbox"/> OTHER:				TYPE OF PRODUCT
MANUFACTURER'S NAME & ADDRESS (If not insured)				MANUFACT PHONE (A/C, No, Ext)
WHERE CAN PRODUCT BE SEEN?				
OTHER LIABILITY INCLUDING COMPLETED OPERATIONS (Explain)				

INJURED/PROPERTY DAMAGED NAME & ADDRESS (Injured/Owner) GEORGE KOCHER					PHONE (A/C, No, Ext)
AGE	SEX	OCCUPATION	EMPLOYER'S NAME & ADDRESS KINGSTON BOROUGH POLICE	PHONE (A/C, No, Ext)	
DESCRIBE INJURY FATALITY			WHERE TAKEN	WHAT WAS INJURED DOING?	
DESCRIBE PROPERTY (Type, model, etc.)		ESTIMATE AMOUNT	WHERE CAN PROPERTY BE SEEN?	WHEN CAN PROPERTY BE SEEN?	

WITNESSES NAME & ADDRESS			BUSINESS PHONE (A/C, No, Ext)	RESIDENCE PHONE (A/C, No)
REMARKS				

REPORTED BY INSURED	REPORTED TO AGENT	SIGNATURE OF INSURED	SIGNATURE OF PRODUCER
------------------------	----------------------	----------------------	-----------------------

ACORD 3 (2007/01)

Page 1 of 2

© ACORD CORPORATION 1986-2007. All rights reserved.

The ACORD name and logo are registered marks of ACORD

DON CROSSIN

From: "Sondra Riviello" <SRiviello@kingstonpa.org>
Date: Friday, April 21, 2017 1:28 PM
To: <dcrossin@frontier.com>
Attach: 20170421090505.pdf
Subject: claim

Don,

We were served with the attached document earlier today. Please call me or Paul for further details. Our labor relations attorney is Bradley Betack at Campbell Durrant Beatty Palombo in Philadelphia.

Sondra Riviello
Finance Secretary
Municipality of Kingston
500 Wyoming Avenue, Kingston, PA 18704
Tel: 570-288-4576
Fax: 570-288-9493

YOU ARE HEREBY NOTICED
TO PLEAD TO THE ENCLOSED
PLEADING WITHIN TWENTY
(20 DAYS) FROM THE SERVICE
HEREOF OR A DEFAULT
JUDGMENT MAY BE ENTERED
AGAINST YOU

The Employment Law Firm
Cynthia L. Pollick, LLM
I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675

Attorney for Plaintiff

GEORGE KOCHER,

Plaintiff

-v-

BOROUGH OF KINGSTON and
MAYOR JAMES HAGGERTY

Defendants

IN THE COMMON PLEAS OF
LUZERNE COUNTY

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

NO. 20175100

2017 APR 20 AM 9:45

PROFFERED
LUZERNE COUNTY

NOTICE

You have been sued in Court. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

North Penn Legal Services, Inc.
33 N Main Street, Suite 200
Pittston, PA 18640
(570) 299-4100
(877)953-4250
(570) 824-0001 Fax

or 101 West Broad Street, Suite 513
Hazleton, PA 18201
(570) 455-9512
(877) 953-4250 Toll free
(570) 455-3625 Fax

YOU ARE HEREBY NOTICED
TO PLEAD TO THE ENCLOSED
PLEADING WITHIN TWENTY
(20 DAYS) FROM THE SERVICE
HEREOF OR A DEFAULT
JUDGMENT MAY BE ENTERED
AGAINST YOU

The Employment Law Firm
Cynthia L. Pollick, LLM
I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675

Attorney for Plaintiff

2017 APR 20 AM 9:45

PROthonary
LUZERNE COUNTY

GEORGE KOCHER,
Plaintiff

IN THE COMMON PLEAS OF
LUZERNE COUNTY

-v-

CIVIL ACTION - LAW

BOROUGH OF KINGSTON and
MAYOR JAMES HAGGERTY

JURY TRIAL DEMANDED

Defendants

NO. 20175100

COMPLAINT

NOW come the Plaintiff, GEORGE KOCHER, by his attorney, Cynthia L. Pollick, Esquire, and files the following Complaint against Defendants and avers as follows:

1. Plaintiff, GEORGE KOCHER, is a Police Officer for Defendant Borough of Kingston and has worked for the Borough of Kingston for over 12 years.

2. Defendant, BOROUGH OF KINGSTON, is a municipality in the Commonwealth of Pennsylvania, with a business address of 500 Wyoming Avenue, Kingston PA 18704.

3. Defendant, MAYOR JAMES HAGGERTY, was responsible for all decision related to the Police Department, and has a business address of 500 Wyoming Avenue, Kingston PA 18704.

COUNT I
RETALIATION FOR FILING WORKERS' COMPENSATION CLAIM
PLAINTIFF V. DEFENDANTS

4. Paragraphs 1-3 above are incorporated herein by reference as if fully set forth herein at length.

5. On June 8, 2015, Plaintiff was injured on the job.

6. Plaintiff sustained a work-related left knee injury that required arthroscopy surgery.

7. In August 2015, Plaintiff filed for workers' compensation benefits.

8. On September 22, 2015, Plaintiff was told that his work related doctor's excuse was insufficient.

9. Plaintiff told Defendants that it was the same excuse that had been accepted on a prior occasion.

10. Defendants told Plaintiff to go to Dr. Raklewicz's office and get released for light duty.

11. Plaintiff told Defendants that the doctor's note was accepted by workers' compensation and that Plaintiff was not released to return on light duty.

12. In October 2015, Defendants and their agents harassed Plaintiff by placing numerous calls to him related to his medical condition and return to work. It became so harassing that Plaintiff had to state do not contact him anymore.

13. On October 13, 2015, Plaintiff informed Defendants that he was going to his personal doctor and seeking a second opinion from Dr. Raklewicz's.

14. Plaintiff was informed that he was not allowed to go out of the workers compensation network and demanded that Plaintiff tell them who Plaintiff was going to treat with.

15. Plaintiff told Defendants that he could go to his doctor because it was past the 90 day treating physician period.

16. On November 12, 2015, Plaintiff received a phone call from Defendants' agent, Riviello, who claimed that Plaintiff was not in touch with the

workers compensation nurse; however, Plaintiff told her he had just spoke to the workers compensation nurse.

17. Ms. Riviello stated that Plaintiff was to come back and work light duty.

18. Plaintiff told her that was against the orders of his doctor, Dr. Krywicki.

19. She again told Plaintiff that he was going to be working light duty. Plaintiff told her that she should be contacting the workers' compensation nurse not him.

20. On January 15, 2016, Plaintiff learned that Defendants were conducting interviews for a Detective position.

21. Plaintiff was 2nd on the certified list for eligible applicants for the position of Detective.

22. Although Plaintiff was 2nd on the list, Defendants refused to interview or select him for the position of Detective although he should have received that position.

23. In all past selections, all eligible candidates were interviewed.

24. Plaintiff was not given the position of Detective because of he filed a claim for workers' compensation benefits.


25. On or about January 20, 2016, Plaintiff learned that the applicant below him, John Anthony, received the position of Detective, which should have been given to Plaintiff.

26. All the actions taken above were done in retaliation for Plaintiff having filed a workers' compensation claim.

27. The actions by Defendants, as described herein, were willful, deliberate, intentional, outrageous, and carried out with extreme indifference to Plaintiff's rights, such that an award of punitive damages is warranted.

WHEREFORE, Plaintiff KOCHER demands judgment against Defendants in an amount in excess of \$50,000.00 and all remedies available, including but not limited, installment in a Detective position, lost wages, front pay, compensatory damages, emotional distress, punitive damages, delay damages, and any damage the Court sees fit in law or equity.

A jury trial is demanded.

By: 
Cynthia L. Pollick, Esquire, LLM
Pa. I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675
pollick@lawyer.com

VERIFICATION

I, Cynthia L. Pollick, Esquire, being duly sworn according to law, deposes and says, that she is the attorney for Plaintiff, George Kocher, and that Plaintiff were unable to sign the foregoing Complaint within the time required, and upon information and belief, the facts contacted in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Cynthia L. Pollick

Exhibit “B”

YOU ARE HEREBY NOTICED
TO PLEAD TO THE ENCLOSED
PLEADING WITHIN TWENTY
(20 DAYS) FROM THE SERVICE
HEREOF OR A DEFAULT
JUDGMENT MAY BE ENTERED
AGAINST YOU

The Employment Law Firm
Cynthia L. Pollick, LLM
I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675

Attorney for Plaintiff

GEORGE KOCHER,

Plaintiff

-v-

BOROUGH OF KINGSTON and
MAYOR JAMES HAGGERTY

Defendants

IN THE COMMON PLEAS OF
LUZERNE COUNTY

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

NO. 2017-5100

AMENDED COMPLAINT

NOW come the Plaintiff, GEORGE KOCHER, by his attorney, Cynthia L. Pollick, Esquire, and files the following Amended Complaint against Defendants and avers as follows:

1. Plaintiff, GEORGE KOCHER, is a Police Officer for Defendant Borough of Kingston and has worked for the Borough of Kingston for over 12 years.

2. Defendant, BOROUGH OF KINGSTON, is a municipality in the Commonwealth of Pennsylvania, with a business address of 500 Wyoming Avenue, Kingston PA 18704.

3. Defendant, MAYOR JAMES HAGGERTY, was responsible for all decision related to the Police Department, and has a business address of 500 Wyoming Avenue, Kingston PA 18704.

COUNT I
RETALIATION FOR FILING WORKERS' COMPENSATION CLAIM
PLAINTIFF V. DEFENDANTS

4. Paragraphs 1-3 above are incorporated herein by reference as if fully set forth herein at length.

5. On June 8, 2015, Plaintiff was injured on the job.

6. Plaintiff sustained a work-related left knee injury that required arthroscopy surgery.

7. In August 2015, Plaintiff filed for workers' compensation benefits.

8. On September 22, 2015, Plaintiff was told that his work-related doctor's excuse was insufficient.

9. Plaintiff told Defendants that it was the same excuse that had been accepted on a prior occasion.

10. Defendants told Plaintiff to go to Dr. Raklewicz's office and get released for light duty.

11. Plaintiff told Defendants that the doctor's note was accepted by workers' compensation and that Plaintiff was not released to return on light duty.

12. In October 2015, Defendants and their agents harassed Plaintiff by placing numerous calls to him related to his medical condition and return to work. It became so harassing that Plaintiff had to state do not contact him anymore.

13. On October 13, 2015, Plaintiff informed Defendants that he was going to his personal doctor and seeking a second opinion from Dr. Raklewicz's.

14. Plaintiff was informed that he was not allowed to go out of the workers compensation network and demanded that Plaintiff tell them who Plaintiff was going to treat with.

15. Plaintiff told Defendants that he could go to his doctor because it was past the 90-day treating physician period.

16. On November 12, 2015, Plaintiff received a phone call from Defendants' agent, Riviello, who claimed that Plaintiff was not in touch with

the workers compensation nurse; however, Plaintiff told her he had just spoke to the workers compensation nurse.

17. Ms. Riviello stated that Plaintiff was to come back and work light duty.

18. Plaintiff told her that was against the orders of his doctor, Dr. Krywicki.

19. She again told Plaintiff that he was going to be working light duty. Plaintiff told her that she should be contacting the workers' compensation nurse not him.

20. On January 15, 2016, Plaintiff learned that Defendants were conducting interviews for a Detective position.

21. Plaintiff was 2nd on the certified list for eligible applicants for the position of Detective.

22. Although Plaintiff was 2nd on the list, Defendants refused to interview or select him for the position of Detective although he should have received that position.

23. In all past selections, all eligible candidates were interviewed.

24. Plaintiff was not given the position of Detective because of he filed a claim for workers' compensation benefits.

25. On or about January 20, 2016, Plaintiff learned that the applicant below him, John Anthony, received the position of Detective, which should have been given to Plaintiff.

26. All the actions taken above were done in retaliation for Plaintiff having filed a workers' compensation claim.

27. The actions by Defendants, as described herein, were willful, deliberate, intentional, outrageous, and carried out with extreme indifference to Plaintiff's rights, such that an award of punitive damages is warranted.

WHEREFORE, Plaintiff KOCHER demands judgment against Defendants in an amount in excess of \$50,000.00 and all remedies available, including but not limited, installment in a Detective position, lost wages, front pay, compensatory damages, emotional distress, punitive damages, delay damages, and any damage the Court sees fit in law or equity.

COUNT TWO
**DISCRIMINATION/RETALIATION FOR REQUESTING REASONABLE
ACCOMMODATION
ADAAA/PHRA**

28. Paragraphs 1-27 above are incorporated herein by reference as if fully set forth herein at length.

29. Defendants employed at least 15 employees at all material times hereto, and is an "employer" as defined by ADAAA.

30. All conditions precedent to jurisdiction under ADAAA have occurred or have been complied with as follows:

a. A charge of employment discrimination was filed with the PHRC/EEOC within 180 days of the discrimination.

b. A notice of right to sue was issued by EEOC, and this Complaint was filed within 90 days of receipt of EEOC's notice of right to sue.

c. All the discriminatory employment practices and conduct alleged herein were committed within the Commonwealth of Pennsylvania.

d. Plaintiff exhausted his administrative remedies in good faith.

31. In or around August 2015, Plaintiff requested a leave of absence due to a medical condition.

32. Instead of honoring such request, in direct retaliation for requesting a reasonable accommodation Defendant Borough of Kingston and its agents began harassing Plaintiff, including but not limited to, by not accepting his doctor's note, insisting he get released to light duty, continuous calls regarding his medical condition, advising incorrectly that he could not see his private medical doctor, not interviewing him for the open Detective

position, which he was 2nd on the eligibility list and by failing to hire him for that position.

33. Defendant Borough of Kingston and its agents discriminated against Plaintiff because of his medical condition when they failed to hire him for the open position of Detective when they selected the 3rd ranked individual over him.

WHEREFORE, Plaintiff KOCHER demands judgment against Defendants in an amount in excess of \$50,000.00 and all remedies available, including but not limited, installment in a Detective position, lost wages, front pay, compensatory damages, emotional distress, punitive damages, delay damages, and any damage the Court sees fit in law or equity.

A jury trial is demanded on all counts

By: Cynthia L. Pollick
Cynthia L. Pollick, Esquire, LLM
Pa. I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675
pollick@lawyer.com

CERTIFICATE OF SERVICE

Cynthia L Pollick, Esquire, hereby certifies that on October 30, 2017, she served a copy of Plaintiff's Amended Complaint on Defendants' counsel by serving a copy via email:

Sean P. McDonough, Esquire
Dougherty, Leventhal & Price, LLP
75 Glenmaura National Blvd.
Moosic, PA 18507

s/ Cynthia L. Pollick
Cynthia L Pollick, Esquire